

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED

JUN 26 2003

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY , DEPUTY

LARRY YARBROUGH,

Plaintiff,

vs.

ARD GATES, et al.,

Defendants.

CIV-03-233-L

ORDER

On February 24, 2003, Plaintiff filed this action under 42 U.S.C. §1983. He appears *pro se* and *in forma pauperis*. On March 18, 2003, Plaintiff was ordered to serve the Defendants in accordance with the Federal Rules and to provide the necessary service papers to the Clerk for processing and issuance within twenty (20) days thereof. Plaintiff submitted a Praecipe for Summons to be issued on Ray Shimanek on March 31, 2003.

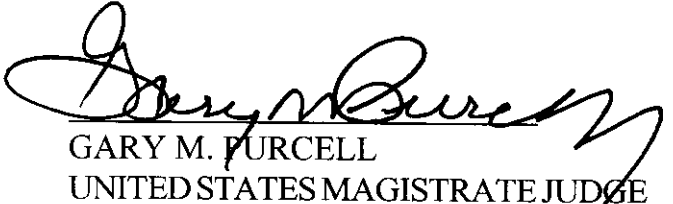
A review of the court file reflects that Plaintiff has taken no further action to serve the Summons and Complaint upon Defendant Ray Shimanek as required by Fed. R. Civ. P. 4.

Fed. R. Civ. P. 4(m) provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision does not apply to service in a foreign country pursuant to subdivision (f) or (j)(1).

Plaintiff is hereby notified of the undersigned's intention to recommend the dismissal of this action without prejudice as to Defendant Ray Shimanek unless Plaintiff shows good cause for his failure to serve Defendant Ray Shimanek by July 16, 2003.

IT IS SO ORDERED this 26th day of June, 2003.


GARY M. PURCELL
UNITED STATES MAGISTRATE JUDGE